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Civic republican social justice and the case of state grammar schools in England

Abstract

The aim of this paper is to consider the ways in which civic republican theory can provide a meaningful and useful account of social justice, one that is which holds resonance for educational debates. Recognising the need for educationalists interested in civic republicanism to pay greater attention to ideas of justice – and in particular social justice as it concerns relationships between citizens (citizen to citizen, group to group or citizen to group) – it is argued that a form of civic republicanism committed to freedom as non-domination is capable of providing a substantive model for analysing social (in)justice within educational arenas. After positioning the contribution offered here within existing educational literature on civic republicanism, salient elements of social justice as freedom as non-domination are identified. On this basis, debates concerning the existence and potential expansion of state (public) grammar schools in England are considered in relation to the account of republican social justice as non-domination. It is argued that from this republican position grammar schools (1) represent an arbitrary domination of the interests of those less well off by those with greater material and cultural capital and (2) in doing so lead to advantages for some at the expense of others. Though the focus of the paper is on grammar schools in England, it is suggested that republican justice may be a useful frame for considering similar educational cases in England and elsewhere.

Keywords Civic republicanism, social justice, education, grammar schools

Introduction

In a recent article in this journal, Itay Snir and Yuval Eylon (2016) explore the application of civic republican political theory to educational contexts, and in doing so raise important questions regarding the relationship between democracy and social justice. Focusing on the neo-Roman strand of civic republican thought and its central concept of freedom as non-

domination¹ (I say more about the different strands in the next section), two core assertions are at the centre of Snir and Eylon's (2016: 3) thesis – indeed, these are presented as 'two major lacunae' of 'existing republican educational discourse'. The first is that existing writing exploring the educational elements and implications of civic republicanism fails to sufficiently take into account the true relationship between democracy and social justice, and that in doing so those interested in civic republicanism invest their attention on the former to the exclusion of the latter. The second is that current work on civic republicanism and education 'thinks mainly in terms of educating *future* citizens, rather than conceiving students also as political agents in the *present*, and of school itself as a site of non-domination'.

As someone cited by Snir and Eylon (2016: 4) as 'perhaps the most systematic advocate of civic republican education', I think they are broadly mistaken about the second lacunae, but are right to raise the crucial question of social justice as it relates to civic republicanism and education. The purpose of my argument here, then, is to respond to recent work on republican justice and education – including that offered by Snir and Eylon. I seek to do so, first, by challenging the idea that existing work focuses on pupils as citizens of the future, rather than citizens of today whilst welcoming the challenge for a greater focus on social justice within civic republicanism. On this basis, and second, clear key aspects of republican social justice framed as freedom as non-domination are explored. These form the focus of the first and second sections respectively. In the third section I offer an examination of how republican social justice can frame educational debates, in doing so focusing on the particular case of English state grammar schools.

The relationship explored here between education, social justice and freedom as non-domination is significant given that 'education plays a crucial role in securing some general conditions of non-domination' and that 'how educational resources and opportunities are distributed among citizens can profoundly affect the moral character of a democratic polity' (Macleod, 2015: 456). Furthermore, and as Snir and Eylon as well as Macleod also note,

¹ It should be observed that non-domination is not a concept specific to only republican accounts, but is also an important idea within anarchism. While there is not scope to analyse the essential differences between republican and anarchist accounts of non-domination in full here (differences, for example, concerning the role of property and the state in protecting non-domination), further exploration of non-domination from anarchist positions is provided by Clark (2007), Prichard and Kinna (2016), Gordon (2017).

scholarship drawing connections between republicanism and education are not numerous, and more work needs to be done in this regard – particularly so far as republican justice is concerned. The analysis offered here, therefore, aims to contribute to existing work on education and civic republicanism by exploring a particular case (state grammar schools² in England) in order to illustrate how republican freedom as non-domination might frame educational debates on social justice.

Civic republicanism, education and social justice

I have written elsewhere that, in general terms, contemporary civic republican theories are best understood as incorporating a commitment to four, inter-related principles: (1) that citizens possess and should recognise certain *civic obligations*; (2) that citizens must develop an awareness of *the common good*, which exists over and above their private self-interests; (3) that citizens must possess and act in accordance with *civic virtue*; and (4) that civic engagement in democracy should incorporate a *deliberative* aspect (Peterson, 2009; Peterson, 2011). These broad commitments aside, however, rather than representing a unified position, civic republican theory is a diverse and complex field. Part of this complexity derives from the fact the revival of interest in civic republican ideas over the last four decades has drawn on different historical traditions, and not always in explicit and straightforward ways. For analytical purposes two main strands of civic republican thought are commonly identified. One strand, of Aristotelian origin, has its roots in ancient Greece (this strand has also been termed ‘intrinsic republicanism’) and is premised on the notion of freedom as self-government. On this reading, which has found expression in the work of Adrian Oldfield (1990) and Michael Sandel (1996), engagement in the political life of one’s communities represents a form of the good life, one which should actively be encouraged by the state. The second strand draws from neo-Roman origins (this strand has also been termed instrumental republicanism), has its roots in the thought of Cicero and Machiavelli, and its recent recapturing owes much to the work of J. G. A. Pocock (1975) and Quentin Skinner (1990; 1998). This neo-Roman strand of republicanism takes as its basis the idea of freedom as non-domination, an idea which underpins the contemporary republicanism of Philip Pettit (1999; 2012; 2014) – who provides the most detailed and sustained contemporary advocacy of

² A definition of state grammar schools is provided later in this analysis

freedom as non-domination. Expressed as non-domination, freedom is understood as the absence of *arbitrary* domination over one's interests and goals.

It is this second strand **of republicanism** which is the main focus of Snir and Eylon's article, but before proceeding to the detail of the two lacunae they identify it is important to note briefly (and as Snir and Eylon also acknowledge) that educational processes appear unevenly in civic republicanism thought, particularly in the extent to which the learning necessary for republican democracy should be implicitly cultivated through republican institutions and processes or that it also should form part of the education and schooling of young people. So far as the formal education and schooling of young people is concerned (which is my particular interest in this current analysis), this again appears unevenly within civic republican political theory. While some republican theorists (such as Philip Pettit and Maurizio Viroli (2002)) have paid little attention to the education of young people, others (most notably John Maynor (2003)) have given the matter more detailed thought. Maynor's work aside, the main connections which have been made between civic republican thought and formal education and schooling, have come from educators seeking to appropriate ideas key tenets of civic republicanism in response to particular educational conditions, issues and contexts (see, for example, Peterson, 2009, 2011; Hinchliffe, 2014; Macleod, 2015; Snir and Eylon, 2016)

This brief overview completed, let us turn now to the two lacunae identified by Snir and Eylon. As stated in the introduction, the second of these focuses on the suggestion that current work on civic republicanism and education positions young people primarily as citizens of the future, rather than on citizens in the present. Snir and Eylon are surely correct to remind us of the importance of recognising that young people can – and do – act as citizens in the here and now. Where they are mistaken, however, is to suggest that such a recognition is uncommon in existing work on civic republicanism and education. Those authors who have written about civic republicanism and education certainly *are* interested in students as citizens of today, as well as of the future. Indeed, and while perhaps the connections to the school as a non-dominating environment could have been made more explicit, recognising students-as-citizens in addition to students-as-future-citizens has been central to my own thinking. While there is not scope to detail this in full here, I have argued, for example, that

‘as part of their learning of citizenship, pupils may be required to undertake discursive learning for the purposes of consultation, feedback, shared governance, devolved decision-making, formal debating and advocacy. Each of these forms of discourse, though differentiated, is united by a common invocation of the core civic capacities required for contestatory deliberation’ (2009: 63). Furthermore, in his text *Liberty and Education: A Civic Republican Approach*, Geoffrey Hinchliffe (2014) pays a good deal of attention to notions of liberty, dominance and the empowerment of students in schools. In summary, therefore, while Snir and Eylon offer some useful thoughts regarding the importance of regarding young people as citizens in the present, I am not sure their critique of existing work fully hits the mark.

Much more substantive is the first lacunae Snir and Eylon identify; namely, that current work on civic republicanism and education does not pay sufficient attention to the relationship between democracy and social justice, and as a result **has** not been vocal enough about the nature and importance of the latter. It is to this concern that the rest of the analysis offered here is addressed.

Republican democracy and social justice

In their exposition of the republican *justice* and its application to education, Snir and Eylon make four moves. The first is to consider Pettit’s republican theory as it relates to the distribution of educational resources. The second is to argue against privatisation in education from a republican standpoint. The third is to position the school as a republic in itself, one which the principle of republican ideas of citizenship and non-domination can manifest. The fourth is to argue that schools need to recognise and foster plural interests in order to avoid **the domination of particular interests**. It is the first two of these moves which are particularly relevant for the analysis offered here, and within which Snir and Eylon advance their most significant points regarding social justice and education systems. Central to their position is a critique of liberal arguments in favour of private education based on parental autonomy and choice, and a questioning of liberal criticisms of private schooling based on the prioritisation of a given competing principle, such as equal opportunities or attaining a certain democratic threshold. Drawing on Pettit’s (2012: 91) argument that if ‘the state seeks to promote equal

freedom as non-domination... then it will be systematically programmed to reduce material inequalities in people's resources and protections', Snir and Eylon (2016: 8) conclude that 'assuming the privatization of education will result in the widening of social gaps, it may be argued that a republican theory of justice is committed to **strengthening public education and** objecting to privatization'.

The arguments which Snir and Eylon offer in their account of republican justice in critique of private education are informative, but I would like to take them a step further in a way hinted at by Snir and Eylon though which they leave undeveloped in their contribution. This is the idea that, aside from any critique of *private* education which may be possible, republican justice guided by non-domination raises significant concerns for the systematic organisation of *public* education. To understand the specific implications for public education that I am seeking to draw it is necessary in this section to provide the conceptual groundwork by drawing out three salient features of republican social justice based on freedom as non-domination, before moving to more explicit concerns of educational justice in the third section.

The **first salient point** is the need to appropriately frame the relationship between republican democracy and social justice. In their analysis, Snir and Eylon (2016: 5-6) argue that 'as the civic republican discussion of education focuses on civic education for participatory democracy, it tends to neglect the discussion of social justice and rarely asks what the implications of the republican conception of justice are for the education system'. The suggestion here seems to be that precisely *because* they focus on participatory democracy, notions of justice/social justice have been obfuscated. Care needs to be taken, however, as to what this claim amounts to. On one reading, it could be viewed as an argument to view republican democracy and republican justice/social justice as distinct matters. A more appropriate reading, however, would see republican social justice as inherently connected to republican, participatory democracy. In other words, that it is *through* republican, participatory democracy that social justice is constituted.

Central to such an understanding is the following distinction expressed by Pettit (2014: xviii) in his book *Just Freedom*, in which he distinguishes between ‘the standard approach’ to questions of justice, which ‘invokes our intuitions about what justice means and about what it demands in the context of a particular society’, and the ‘freedom ideal’ which:

suggests a different, more sharply focused approach. This is, to let the requirements of social justice be determined by an investigation into which social arrangements would best promote people’s enjoyment of freedom as non-domination.

From this perspective social justice becomes shaped and defined by our understanding of freedom, in this republican case freedom as non-domination. As Pettit (2014: xxiii) makes clear ‘justice is freedom, freedom is justice’.

The second salient point which needs to be made in order to understand republican approaches to justice is that civic republicans are interested in a number of forms of justice, and not just what might broadly be understood as ‘social justice’ in its distributive sense. In *Just Freedom*, Pettit posits three main forms of justice – social, political and international. A core claim across each of these forms of justice is the contention that defining each becomes a question of defining the forms of organisation (institutions, processes, values etc) which ensure that particular groups are not dominated. This said, each of the three types of justice considered by Pettit has their own particular feature. To understand one of the crucial distinctions Pettit draws between these types drawn it is necessary to remember that republicans in the neo-Roman tradition distinguish between two forms of domination within a polity – *imperium* and *dominium*. *Imperium* is vertical in nature and refers to the domination of citizens by the state, whilst ‘*Dominium*’ is horizontal in nature and relates to the domination of one citizen, or group of citizens, over another (see also Lovett, 2016 for a fuller analysis of republican justice).

Pettit (2014: 78) makes clear his intention that social justice ‘means justice only in the horizontal or social relations that citizens have with one another... Justice in this sense is usually cast as social justice, and contrasts with political justice and international justice’. In other words, social justice is concerned with *dominium*. That this is the case is recognised by Snir and Eylon, who draw on Pettit’s (2012: 77) view that republican social justice ‘requires that people should enjoy freedom as non-domination in their relationships with one another, whether as individuals to individuals, as groups to groups, or as groups to individuals’. Drawing on Rawls’ classification of social justice as concerned with finding ‘a proper balance between competing claims’ (Rawls, 1971: 9), Pettit argues in favour of an ‘expressive egalitarianism’ through which citizens are all equal members of a functioning democratic political community and through which citizens’ ‘voice cannot be ignored’ (Pettit, 2012). In addition, and crucially, freedom as non-domination is a common good, meaning that it acts to reduce (or ideally eliminate) the vulnerability of particular interests – whether individual or group (Schuppert, 2015).

The third salient point is that while republican social justice does not require full material equality (it permits some level of disparity), it does seek to reduce differentials in material wealth for the extent to which they allow the arbitrary domination of particular interests (Pettit, 1999; 2012; 2014). Thus, according to Pettit (2012: 91) ‘if the state seeks to promote equal freedom as non-domination—that is, to make the status of free citizenship available to all—then it will be systematically programmed to reduce material inequalities in people’s resources and protections’.

The three contentions outlined here are consolidated and illustrated by Pettit through the principle of the “eyeball test”. This is the view that expressive egalitarianism of the form necessary to protect freedom as non-domination will be achieved only when citizens are ‘adequately resourced and protected in the exercise of their basic liberties to the extent to that, absent expressive timidity or the like, they are enabled by the most demanding local standards to look one another in the eye without reason for fear or deference. They are able to walk tall, as we put it, enjoying a communal form of recognition that they are each more or less proof against the interference of others; in that sense, they command the respect of all’

(Pettit, 2014: 99). This eyeball test raises some particularly significant questions for notions of social justice in relation to inequalities in education, and it is to these that I now turn.

Grammar schools in England, social justice and the domination of interests

As suggested previously, the interest of this analysis is the extent to which republican freedom cast as non-domination can provide a particular prism for viewing debates on inequality *within* public education. While Snir and Eylon (2016) have focused on private education, I wish to suggest that inequitable systems of public education present a concern at least as important for social justice as debates concerning private education. Indeed, given that education is a merit good, it could be argued that domination within public education provides a more apt case of concern for social justice in the republican sense. As a merit good, education is provided by the state in order that a certain level of consumption (to use the economic phrase) is not contingent on material welfare. However, as the provision of public education in many Westernised nations has become dictated by market-driven notions of competition and parental choice, the interests of those with greater social, economic and cultural capital have increasingly been a distinct and notable advantage in accessing state schooling resources.

For this reason, access to public education and schooling presents an interesting case for republican social justice in relation to whether certain interests (i.e. those of the well-off) are arbitrarily dominating those of others (i.e. the poor) so far as accessing public education provision is concerned. While there may be other cases within public education which warrant similar scrutiny for their dominating effects, the examination offered here focuses on the particular case of **selective** grammar schools within the English state (public³) education system. **Bringing the idea of republican social justice to bear on the case of selective education in England is instructive for the extent to which it provides a specific and clear notion of social justice – namely non-domination – from which some judgement regarding**

³ In England it is usual to distinguish between state (publically-funded) and public (privately-funded) schools. What are known in England as public schools are private, fee-paying institutions, which were termed as such in the mid-1800s because (unlike private schools) admittance of pupils (boys) was not based on certain factors (such as religion) and their operation involved some form of public control.

the educational policies and outcomes involved might be judged. Considering the issue of grammar schooling in England from the idea of republican non-domination offers important advantages over other approaches, most notably liberal egalitarian approaches. As Snir and Eylon (2016: 8) suggest ‘the republican argument rests on one principle only, that of freedom as non-domination. The advantage lies not only in the argument's elegance and parsimony, but also in its conceptual stability: it does not depend on a dynamics between conflicting values the balance of which may vary according to interpretation, but on a single principle, thus guaranteeing its consistency’. Moreover, and again as Snir and Eylon remind us, for social justice cast in terms of republican non-domination normative questions regarding the position of particular persons or groups can only be judged in relation with the positions of other persons or groups. When we turn to education, this means that – and unlike liberal egalitarianism – ‘large educational gaps are *never* tolerable from the republican perspective and are a serious violation of its principle of justice (2016: 9; original emphasis. For a more detailed elaboration of the advantages of an approach to social justice framed by republican non-domination see Pettit, 2014). Finally, by focusing on relationships of *dominium*, republican social justice is helpful (1) in understanding that selective schooling involves relationships between citizens as well as between citizens and the state, and (2) in suggesting that the state has a responsibility to act to redress situations when the private power of one group of citizens arbitrarily dominates the interests of other citizens (a point to which we return towards the end of the next section.

Grammar schools in England

In England, grammar schools are publically-funded, state schools operating in the secondary sector for pupils of 11-18 years of age. A vestige of the 1944 Education Act which introduced three types of school allocated to pupils at the age of 11 on the basis of performance in an examination (known commonly as the 11-plus), only 163 grammar schools (which select the “most able” students) are currently in existence in England within a state system of around 3,000 secondary schools. While many local educational authorities closed grammar schools in favour of comprehensive systems in the 1960s and 1970s, some local authorities (such as Buckinghamshire, Kent, Medway, Lincolnshire and Buckinghamshire) retained selective grammar school systems which continue today. The question of grammar schools was placed

firmly back on the English education policy landscape in 2016 by the commitment of Prime Minister Theresa May's Conservative government⁴ to supporting and expanding grammar schools. This commitment came in the form of: (1) the stated intention to overturn the current legal prohibition on the opening of new grammar schools; (2) providing additional funding for the expansion of the grammar school system; (3) setting out plans for the opening of new selective free schools⁵; and (4) providing additional resource for providing free school transport for children on the basis of low-SES measures⁶.

As a result of the unexpected result⁷ of the UK General Election in June 2017, the Conservative government's planned expansion of state grammar schools has been placed in some doubt. Indeed, the government have made clear that the current ban on new grammar schools will remain in place for now⁸. However, while the expansion of grammar schools in the immediate future may now be less likely as a result of the General Election, three important recognitions remain. The first is that while the new government has signalled that it will not be seeking to introduce legislation allowing the expansion of grammar schools in the first year of the new parliament, this decision owes more to its inability to command sufficient support within parliament than it does to the evidence and arguments against their expansion. The second is that while there may not be the political climate to advance the policy for *new* grammar schools, there may well be action short of this which nevertheless represents an expansion of selective education within the state system. Key here is the

⁴ In England, education policy is the province of the United Kingdom government.

⁵ Free schools are a certain form of state-funded schools, which developed out of the academy school programme in England. Originally introduced by the Labour government in the early 2000s to replace "failing" state schools in disadvantaged areas, the academies programme has been heavily extended under Conservative-Liberal Democrat coalition (2010-2015) and Conservative (2015-) governments. Academies are state schools which receive their funding directly from central government and, as such, are independent of local authority control. Some academies have been compelled to enter such status on the basis of a schools "under-performance", while others have converted to academy status by choice and on the basis of their "outstanding" or "good" performance. The first 23 free schools opened in September 2011 September 2014 there were 241 free schools in existence (<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN07033>). Both academies and free schools are granted particular flexibilities to increase their autonomy, including what they teach within the National Curriculum, employment practices, and the structuring of the school calendar. A selective free school would, in effect, be a free school able to select all or a proportion of its intake on the basis of academic ability.

⁶ <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN07070>

⁷ The calling of a General Election in 2017 was unexpected in itself, given that the Prime Minister, Theresa May, had consistently rejected the idea that she might seek an election mid-way through a five-year fixed term Parliament. When the election was called for the snap election on 18th April opinion polls predicted a large majority for the Conservative Party. The election result returned a hung parliament. While the Conservative Party remains the largest party it no longer commands a majority in the House of Commons.

⁸ <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN07070>

possibility that existing grammar schools may be allowed to expand into ‘satellite’ sites (Adams, 2017). The third important recognition is that while the result of the General Election may act to limit the expansion of state grammar schooling, it will not mean that grammar schooling will be reduced or even ended, with currently existing grammars enduring for the foreseeable future.

Advocates of grammar schools typically point to notions of parental choice and autonomy, while also suggesting that grammar schools aid the social mobility of students from lower socio-economic contexts. Criticisms of grammar schools are, however, numerous and they bring into question the social justice desirability of both the continuation of existing grammar schools as well as their potential expansion. Moreover, such criticisms (particularly those which are directed specifically against their expansion) come from a range of stakeholders – including Members of Parliament representing the main political parties (not insignificantly including the previous Secretary of State for Education, Nicky Morgan), teacher trade unions, and academics. Central to the arguments against grammar schools are the following claims, all based on research evidence:

- (1) That while attending grammar schools is good for socio-economically disadvantaged pupils, for those socio-economically disadvantaged pupils who do not gain entry into a grammar school, the impact on educational attainment is much worse than in non-selective environments (Sibieta, 2016; Adams, 2016). Indeed, ‘the paradox is that grammar schools bestow greater advantages to poor children than more affluent children, but very few make the cut’ (Atkinson, Gregg and McConnell, 2006: 27);
- (2) That ‘grammar schools contain a significantly lower proportion of deprived pupils than live in the local area’ (Cribb, Sibieta and Vignoles, 2013: 6; see also, Atkinson, Gregg and McConnell, 2006). Indeed, according to Cribb et al. (2013: 5) ‘Less than 3% of entrants to grammar schools are entitled to free school meals⁹’ while ‘the average proportion of pupils entitled to free school meals in selective areas is 18%’, and in selective areas (i.e. those in which state grammar schools exist) pupils ‘who are not eligible for free school meals have a much greater chance of attending a grammar school than similarly high achieving children’;

⁹ Eligibility for free (government funded) school meals is a standard indicator of low socio-economic status.

(3) That, overall, grammar schools do not raise general social mobility. Andrews, Hutchinson and Johnes (2016: 11) report that ‘we find no evidence to suggest that overall educational standards in England would be improved by creating additional grammar schools’. While the government had suggested that an expansion of grammar schools would include certain provisions (such as quotas) aimed at socio-economically disadvantaged pupils, scepticism exists as to their likely benefits. According to Andrews and Hutchinson (2016: 8):

under optimistic assumptions and large quotas, our modelling suggests that any benefit to FSM [free school meals] pupils would be very small... would still reach only a small fraction of FSM pupils, and would quickly become negative if the number of grammar school places exceeded 70 per cent of high attainers. Under less optimistic assumptions, there would not be any benefit to FSM pupils at any level of grammar school place provision.

Furthermore, pupils entering grammar schools are ‘four times as likely to have been educated outside of the state system than to be entitled to free school meals’. Such figures are contextualised against the ‘fact that across the population at least six times as many 11-12 year olds are entitled to free school meals than were previously educated outside the state system’ (Sibieta, 2016);

Two further points can be added. The first is that there is evidence (here, Sibieta (2016) points to Inner London) of a non-selective system in England in which the educational progress and attainment of ‘the brightest’ has been secured alongside reductions in overall inequality. The second is that so far as being engines of social mobility is concerned, the continuation and possible expansion of grammar schools represents a strange target for government policy, given that, and as Andrews, Hutchinson and Johnes (2016: 11) suggest ‘any Government wishing to significantly raise social mobility needs to do much more to raise attainment in the early years of life and in primary schools. Selecting at age 11 is unlikely to help many poor children to attain higher grades and to succeed in life’.

What, then, might republican social justice – understood as freedom as non-domination – make of the current existence and potential expansion of state grammar schools in England? Central here is the question of whether the interests of some group or individual arbitrarily dominates the interest of some other group or individual. If we take groups as our focus, and for analytical simplicity consider two groups – (a) those who are well-off and (b) those who are poor – the problems so far as dominating interests become manifest. In the case of grammar schools, **there** seems to be compelling evidence that their existence and continuation benefits the educational interests of those families and children in group (a) while actively serving to limit the educational interests of most families and children in group (b). One of the leading sociologists of social mobility in England, John Goldthorpe (2016: 105), recently explained the situation as one in which ‘parents in more advantaged class positions will not... simply be passive in relation to the expansion or reform of the educational system but will respond by using their own superior resources—economic, cultural, and social—to whatever extent it takes to help their children retain a competitive edge in the system, and in turn in the labour market’ (see also, Francis and Hutchings, 2013). In other words, the current system does not allow for ‘equality of status’ (Pettit, 2014: 104), as those with more material and cultural wealth use the power of their wealth to their advantage vis-à-vis those who are poor. In such a situation, while permitting differentials in wealth and power, republican justice rails against the use of such material and cultural capital to serve domination over others.

What, then, does the republican notion of freedom as non-domination require of the state in cases in which social injustice become clear? Here Pettit (2014: 82) is unequivocal:

Suppose that you are worse off in material respects than your neighbors.
Suppose you lack some resources required for exercising the basic
liberties—in skill or information, access to shelter or sustenance or
income—and your neighbors enjoy an excess of such assets. Or suppose
that while your legal protections against interference are barely
adequate, your neighbors enjoy the benefits of private security,
powerful legal representation, and good connections within the police

force. In each scenario you will be less well defended against your neighbours than they are against you. And in each scenario, the state that aims to treat its citizens as equals in the enjoyment of freedom as non-domination will almost always do better in this pursuit by helping you, the worse-off party, rather than helping your richer neighbors.

Given that education and schooling form a key aspect of the ‘institutional infrastructure’ that ‘must be provided to citizens of a potentially just [and by just Pettit means socially just] society’, the state can legitimately interfere to help those worse off in order to bring about and maintain what Pettit (2014: 104) refers to as the ‘material and institutional environment fit to facilitate freedom’. In England, and at least as far as grammar schools are concerned, the government is not only (by allowing the continuation of grammar schools) failing to interfere to help those who are worse off, but may (if it permits the expansion of grammar schools) act to further the social injustice.

Critics may, of course, raise certain objections to the line of argument I am advancing. In the space that remains, I would like to pre-empt two which would seem most likely. The first potential criticism concerns the fact that republican social justice framed by freedom as non-domination leaves room for interpretation about the precise extent of the basic liberties to be protected, generally (Lovett, 2016) or **educationally** (Macleod, 2015). In other words, critics may argue that while republican social justice may certainly require the satisficing of a basic education, it does not require the level of equality I have suggested it should – a level which, that is, brings into question the continuance and furtherance of grammar schools in England. Here Pettit is insightful. He argues that ‘children in the society [should] each have access to the sort of education necessary to provide them with essential skills, to bring their particular talents to fruition, to give them a full sense of the rights and responsibilities of citizenship and indeed to let them see how bad it is for anyone to suffer domination... Let people be lacking in such developmental ways, and they will be incapable of asserting themselves with others, or assuming the status of free persons’ (Pettit, 2012: 111). When allied with recognition of the importance and high-stakes of education in contemporary capitalist democracies, notions such as the provision of essential skills and bringing particular talents to fruition provide a clearer indication of what republican social justice requires of education; namely, the development of children’s potential in ways which enable all parents and children to walk

tall, with confidence in the egalitarian public education they have received, and without large disparities resulting from differential material resources.

A second potential criticism is that republican freedom and social justice in the sense explored here requires too much, particularly of parents who (it could be claimed) are simply using varied, legitimate means to support the educational experiences of their children. In other words, by seeking to develop a more egalitarian approach undue restrictions will result. The key response here is to return to the idea that republican social justice does not seek full material equality. Rather, it seeks to reduce (and if possible remove) material inequalities for the extent to which they permit certain interests to arbitrarily dominate others. From this relational perspective, there are many ways that parents can support their child's education which do not have a serious detrimental effect on the children of others. It is only when material resources are employed in ways which seriously impact deleteriously on the education of those less well off, that republican social justice is infringed.

This rejoinder to the second criticism is particularly important. In his analysis of freedom as non-domination and educational justice, Macleod raises doubts about the extent to which republican justice as non-domination requires the sort of equality in educational experience that I am suggesting it does (or at least should). One of the ways Macleod advances his reservation is by considering the relationship between education and choice-sets. Here, he asks us to consider the case of Alan and Beth. Alan has received an elite private education, and has choices 1-50 open to him. In contrast, Beth's not very good public education leaves choices 1-25 open to her. According to Macleod (2015: 466) 'in sending him to excellent private schools, Alan's parents did not exercise arbitrary power over Beth or her parents. They simply used their wealth to confer educational advantages on Alan'. However, if we convert this example to the case of grammar schools, the line of argument alters in a significant way (I also think it can be altered in a similar way in the case of private vs. public education, but that is not my argument here). Let us change Alan's educational experience from an elite private school to an English grammar school. Alan still experiences a very good education which provides him with choices 1-50, but does so because his parents have the material and cultural capital to ensure that he is able to enter the school. Beth experiences a less good education in the same town as the grammar school Alan attended, leaving her with

choices 1-25. Unfortunately for Beth, her parents did not have the material and cultural capital to aid her entry to the grammar school. She attended a local high school, and so was one of the pupils whom (as the evidence considered previously suggests) lost out by living in an area with grammar schools. In my altered version of Macleod's illustration, Alan's choices *come at the expense* of Beth's. In other words, the existence of grammar schools confers educational advantages for some (mostly those with the requisite capital) at the expense of others – and does so in arbitrary ways. Republican social justice does, in this case, require the state to act to disrupt such inequality in order to help Beth and others like her.

Conclusion

Seeking to add to and advance the existing literature on republican justice and education, the analysis offered here has suggested that freedom as non-domination provides a particular, valuable, prism for assessing potential cases of educational injustice. Focusing on the case of grammar schools in England, it has been suggested that the state has a responsibility to act to address injustice when and where the interests of those less powerful are dominated at the expense of those with greater material and cultural capital. It has been argued that by allowing the continued existence of state grammar schools, and by considering actively to expand the number of state grammar schools, current government policy is allowing the perpetuation of social injustice from a republican point of view. Though not the central argument of this paper, it has been alluded to that republican social justice may provide a useful prism for exploring other cases of educational (in)justice. The hope is that the arguments advanced here, alongside those found in the existing literature cited, will prompt greater philosophically-oriented analyses on educational justice from a civic republican point of view.

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